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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

CENTER FOR PHLEBOTOMY
EDUCATION INC., a Michigan corporation,

Plaintiff,

vs.

DALLAS RASMUSSEN, an individual;
OMPS, INC., a Utah corporation; OQUIRRH
MOUNTAIN PHLEBOTOMY SCHOOL
LLC – MURRAY fka OQUIRRH
MOUNTAIN PHLEBOTOMY SCHOOL
LLC, a Utah limited liability company;
OQUIRRH MOUNTAIN PHLEBOTOMY
SCHOOL LLC, a Colorado limited liability
company; and OQUIRRH MOUNTAIN
PHLEBOTOMY SCHOOL LLC, an Oregon
limited liability company.

Case No: 25-cv-52

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff Center for Phlebotomy Education Inc. (“The Center”) complains and alleges as follows against Defendants Dallas Rasmussen (“Rasmussen”), OMPS, Inc. (“OMPS”), Oquirrh Mountain Phlebotomy School LLC – Murray (“OMPS-Murray”), Oquirrh Mountain Phlebotomy School LLC (Colorado) (“OMPS-CO”), Oquirrh Mountain Phlebotomy School LLC (Oregon) (“OMPS-OR”) (collectively, the “Defendants” or the “Schools”).

INTRODUCTION

1. Phlebotomy is the process of making a puncture in a vein, usually for drawing blood or for other intravenous (“IV”) therapy. The procedure is known as venipuncture and is usually performed by a phlebotomist, although doctors, nurses, and other medical technicians routinely perform such procedures. Phlebotomy and venipuncture are fundamental in modern medicine.

2. In operation since 1998, The Center provides educational resources and phlebotomy training through videos, newsletters, books, posters, and other online resources.

3. Among The Center’s popular educational resources are its “Applied Phlebotomy” video series. DVDs of exemplary videos from that series are shown below:



4. Defendant Rasmussen founded and manages the Oquirrh Mountain Phlebotomy School entities. The Schools conduct for-profit phlebotomy training operations in Utah, Colorado, Oregon, Washington, Arizona, and Texas. Rasmussen directs the operations of all Oquirrh Mountain Phlebotomy School operations nationwide.

5. An important component of the Oquirrh Mountain Phlebotomy School training operations are the Plaintiff's Applied Phlebotomy video series, which are performed for the School's students without authorization and in violation of the copyright laws of the United States:



6. Defendant Rasmussen copies, distributes copies, and performs the Plaintiff's Applied Phlebotomy video series for students in classes taught by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR, in violation of the copyright laws of the United States.

THE PARTIES

7. Plaintiff Center for Phlebotomy Education Inc. ("The Center") is a Michigan corporation with a principal place of business at 337 S. 850 W, Suite F406, American Fork, Utah 84003. The Center does business in the District of Utah and has suffered injury in the District of Utah.

8. Defendant Dallas Rasmussen (“Rasmussen”) is an individual residing in the District of Utah and is an officer and/or director of corporate defendants OMPS-Murray, OMPS, OMPS-CO, and OMPS-OR. On information and belief, Rasmussen resides at 430 Benson Rd, Stansbury Park, UT 84074.

9. Defendant Rasmussen is the individual responsible for the acts of unlawful copyright infringement alleged herein. On information and belief, Rasmussen personally engaged in the acts of unlawful copyright infringement on behalf of the corporate defendants including Rasmussen’s own engagement in the making of unlawful copies of the “Applied Phlebotomy” videos, distributing unlawful copies of the “Applied Phlebotomy” videos, and unlawfully performing the “Applied Phlebotomy” videos.

10. Rasmussen bears personal liability for his tortious acts (without the piercing of the corporate veil) because of his personal involvement in the tortious conduct alleged in the Complaint. In Utah, it is “clear that holding an officer or director personally liable for corporate torts in which they participate is distinct from the piercing the veil doctrine.” *AVT California, L.P. v. Arrow Recycling Sols., Inc.*, No. 2:19-CV-00939-JNP, 2020 WL 5603419, at *8 (D. Utah Sept. 18, 2020) (“Utah courts agree that corporate officers may be liable for wrongful activity in which they personally participate.”); *see also In re McHugh*, No. 02-25625 DEC, 2003 WL 21356761, at *3 (Bankr. D. Colo. June 2, 2003) (“[I]t is unnecessary to pierce the corporate veil” for tortious acts, because an “individual is responsible for the torts which she commits regardless of whether or not the tort is committed in the course of her duties as officer or employee of a corporate entity”); *accord d’Elia v. Rice Dev., Inc.*, 147 P.3d 515, 524 (Utah Ct. App. 2006) (“[I]t is not necessary that the corporate veil be pierced or even discussed....”). Rasmussen’s copyright infringement is

tortious conduct. *DeGette v. Mine Co. Restaurant, Inc.*, 751 F.2d 1143, 1145 (10th Cir. 1985) (“The action is in tort for infringement of a copyright....”).

11. OMPS, Inc. (“OMPS”) is a Utah corporation with a principal place of business at 430 Benson Rd, Stansbury Park, UT 84074. OMPS does business in the District of Utah, has officers, employees, and customers in the District of Utah, and has committed acts of unlawful copyright infringement in the District of Utah.

12. Oquirrh Mountain Phlebotomy School LLC – Murray (“OMPS-Murray”) is a Utah limited liability company with a principal place of business at 7533 S. Center View Court, Suite R, West Jordan, UT 84084. OMPS-Murray does business in the District of Utah, has officers, employees, and customers in the District of Utah, and has committed acts of unlawful copyright infringement in the District of Utah.

13. Oquirrh Mountain Phlebotomy School LLC (Colorado) (“OMPS-CO”) is a Colorado limited liability company with a principal place of business at 3333 S. Bannock Street, Suite B100, Englewood, CO 80110, US7533. On information and belief, OMPS-CO has officers and employees in the District of Utah, has distributed unlawful copies of the “Applied Phlebotomy” videos from the District of Utah, and has committed other acts of unlawful copyright infringement in the District of Utah.

14. Oquirrh Mountain Phlebotomy School LLC (Oregon) (“OMPS-OR”) is an Oregon limited liability company with a principal place of business at 12725 SW Millikan Way, Suite 300, Beaverton, OR 97005. On information and belief, OMPS-OR has officers and employees in the District of Utah, has distributed unlawful copies of the “Applied Phlebotomy” videos from the

District of Utah, and has committed other acts of unlawful copyright infringement in the District of Utah.

JURISDICTION AND VENUE

15. Pursuant to 28 U.S.C. §§ 1331 and 1338, this Court has original jurisdiction over The Center's claims for copyright infringement, which arise under of the Copyright Act of the United States, 17 U.S.C. § 101, *et seq.*

16. This Court has personal jurisdiction over each of the Defendants because they reside or have one or more officers residing in this Judicial District, because they have committed acts of copyright infringement in violation of 17 U.S.C. § 106 in this Judicial District, and because at least some of the Defendants' acts of infringement occurred in this Judicial District.

17. An exercise of personal jurisdiction over each of the Defendants is proper under Federal Rule of Civil Procedure 4(k)(1)(A) and Utah's Long Arm Statute, Utah Code Ann § 78-27-22.

18. Venue is proper in this District under 28 U.S.C. § 1400(a) because each Defendant resides in this District or may be found in this District. Each of the Defendants may be found in this District because their officer/director Rasmussen resides in this Judicial District and commits acts of copyright infringement in this Judicial District.

BACKGROUND

19. Since 1998, The Center has provided educational resources and phlebotomy training through videos, newsletters, books, posters, and other resources. Through its website, The Center provides industry leading educational materials, including DVD products and online streaming resources. The home page of The Center's website is shown below:



<https://www.phlebotomy.com/>

20. The Center’s “Applied Phlebotomy” video series is a popular educational video resource. DVDs of exemplary videos from that series are shown below:



21. The Center owns registered copyrights in the Applied Phlebotomy video series including U.S. Copyright Registration No. PA0001235947 for a 2004 version of Video Nos. 1-3 of the Applied Phlebotomy video series, U.S. Copyright Registration No. PA0001743622 for a 2010 version of Video Nos. 1-3 of the Applied Phlebotomy video series, U.S. Copyright Registration No. PA0002171764 for a 2018 version of Video No. 1 of the Applied Phlebotomy video series, and U.S. Copyright Registration No. PA0002335439 for a 2021 version of Video No. 2 of the Applied Phlebotomy video series.

22. A copy of the Certificate of Registration for U.S. Copyright Registration No. PA0001743622 is attached hereto as Exhibit A.

23. The Center distributes the Applied Phlebotomy video series on DVD and through online streaming, both of which are available for purchase through The Center's website.

24. Defendant Rasmussen is an officer and/or director of OMPS.

25. Defendant Rasmussen is an officer and/or director of OMPS-Murray.

26. Defendant Rasmussen is an officer and/or director of OMPS-CO.

27. Defendant Rasmussen is an officer and/or director of OMPS-OR.

28. OMPS, OMPS-Murray, MMPS-CO, and OMPS-OR offer and/or have offered phlebotomy training and certificate programs, which are supervised, managed, and/or taught by Defendant Rasmussen:

Oquirrh Mountain Phlebotomy School LLC

Classes ▾ Locations ▾ About Group Training Student Certificates

Have any Question? office@oqmps.com REGISTER

National Phlebotomy Certificate

1 Week License / Certification Program

Learn to draw blood and be certified to work for great company's
Fast Phlebotomy training so you can get to work.

NPCT APPROVED SCHOOL ACCREDITED BUSINESS BBB

<https://oqmps.com/>

29. The phlebotomy training offered by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR includes, *inter alia*, a National Phlebotomy Class and an IV Certification Course:

Phlebotomy, IV and EKG Certification Courses

<p>National Phlebotomy Class</p> <p>This course meets national level phlebotomy certification status with the National Phlebotomy Certification Testing (NPCT)</p> <p>REGISTER</p>	<p>IV Certification Course</p> <p>This course is entirely designed to know how to place IV catheters. Great for nurses or anyone wanting to further their medical career.</p> <p>REGISTER</p>	<p>EKG Certification Course</p> <p>EKG Certification program that is affordable, more personal, relevant, and focused. For anyone wanting to further their medical career.</p> <p>REGISTER</p>
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<https://oqmps.com/classes/>

30. The phlebotomy training offered by OMPS includes and/or has included phlebotomy training in an in-person classroom environment.

31. The phlebotomy training offered by OMPS-Murray includes and/or has included phlebotomy training in an in-person classroom environment.

32. The phlebotomy training offered by OMPS-CO includes and/or has included phlebotomy training in an in-person classroom environment.

33. The phlebotomy training offered by OMPS-OR includes and/or has included phlebotomy training in an in-person classroom environment.

34. An example of an in-person classroom environment in which phlebotomy training is provided by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR is shown below:



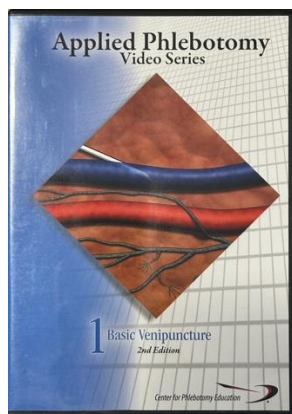
35. A second example of an in-person classroom environment in which phlebotomy training is provided by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR is shown below:



36. The phlebotomy training provided by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR includes a video-instruction component, as shown in the example below:

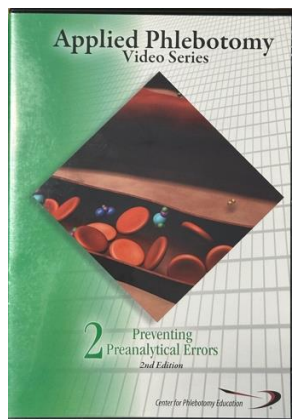


37. On information and belief, the video-instruction component of the phlebotomy training provided by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR includes a performance of the 2010 version of Video No. 1 in the Applied Phlebotomy video series, “Basic Venipuncture”:



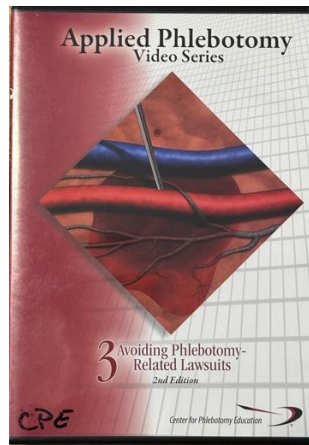
38. The Center has not authorized OMPS, OMPS-Murray, OMPS-CO, or OMPS-OR to perform the 2010 version of Video No. 1 in the Applied Phlebotomy video series, “Basic Venipuncture.”

39. On information and belief, the video-instruction component of the phlebotomy training provided by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR includes a performance of the 2010 version of Video No. 2 in the Applied Phlebotomy video series, “Preventing Preanalytical Errors”:



40. The Center has not authorized OMPS, OMPS-Murray, OMPS-CO, or OMPS-OR to perform the 2010 version of Video No. 2 in the Applied Phlebotomy video series, “Preventing Preanalytical Errors.”

41. On information and belief, the video-instruction component of the phlebotomy training provided by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR includes a performance of the 2010 version of Video No. 3 in the Applied Phlebotomy video series, “Avoiding Phlebotomy-Related Lawsuits”:



42. The Center has not authorized OMPS, OMPS-Murray, OMPS-CO, or OMPS-OR to perform the 2010 version of Video No. 3 in the Applied Phlebotomy video series, “Avoiding Phlebotomy-Related Lawsuits.”

43. On information and belief, the video-instruction component of the phlebotomy training provided by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR relies on unlawful copies of the videos in the Applied Phlebotomy video series created in violation of the copyright laws of the United States.

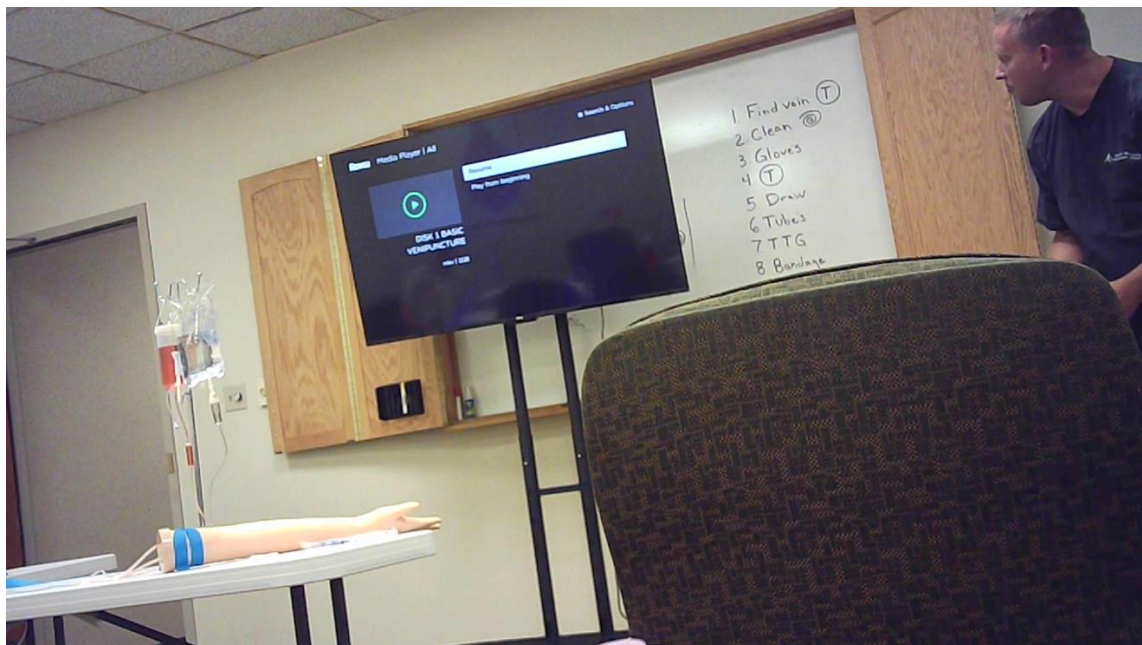
44. Defendant Rasmussen makes and distributes unlawful copies of the Applied Phlebotomy video series for performance in classes taught by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR, in violation of the copyright laws of the United States.

45. Defendant Rasmussen performs the Applied Phlebotomy video series in classes taught by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR without authorization from The Center and in violation of the copyright laws of the United States.

46. Defendant Rasmussen induces and has induced others, including OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR to perform the Applied Phlebotomy video series in classes taught by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR, in violation of the copyright laws of the United States, with the intent that OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR perform the Applied Phlebotomy video series in their classes and with the knowledge that such performance constitutes copyright infringement.

47. In addition, Defendant Rasmussen has the ability to supervise or control others associated with OMPS who have committed infringement and receives a direct financial benefit from that infringement, so that Defendant Rasmussen is vicariously liable for that infringement.

48. In the following video screenshot captured during an OMPS class in Ogden, Utah on May 28, 2024, Defendant Rasmussen is shown unlawfully playing an unlawful copy of the 2010 version of Video No. 1 in the Applied Phlebotomy video series:



49. Incredibly, the unlawful video begins with an FBI WARNING regarding the unlawful nature of copyright infringement:



50. The FBI warning at the beginning of the video—as shown above—reads:

FBI WARNING
The unauthorized reproduction or distribution of this copyrighted work is illegal. Criminal copyright infringement, including infringement without monetary gain, is investigated by the FBI and is punishable by up to five years in federal prison and a fine of \$250,000.

51. In this screenshot, Defendant Rasmussen is shown along with the FBI warning against unlawful copyright infringement.

52. The Center owns a valid copyright in the 2010 version of Video Nos. 1-3 of the Applied Phlebotomy video series, which is registered with U.S. Copyright Registration No. PA0001743622.

53. Defendant Rasmussen has engaged in copyright infringement through the unlawful copying of at least the 2010 version of Video No. 1 (Basic Venipuncture), Video No. 2 (Preventing Preanalytical Errors), and Video No. 3 (Avoiding Phlebotomy-Related Lawsuits) of the Applied Phlebotomy video series.

54. Defendant Rasmussen willfully infringed The Center’s copyright by making and distributing copies of the Applied Phlebotomy video series in a manner that was obviously unlawful and which any reasonable party would have understood to be unlawful; for example, Rasmussen even displayed the FBI Warning shown above to his students.

55. Defendant Rasmussen engaged in the unlawful copying of at least the 2010 version of Video Nos. 1-3 of the Applied Phlebotomy video series at least for the purpose of selling phlebotomy training classes:


Event: Ogden, UT – National Phlebotomy Class 6:00pm-9:00pm

Total Number of People: 1

Custom Fields:

Enrollment Agreement - [terms and conditions](#): I have read and agree to the class terms and conditions


Subtotal:	\$495.00
Payment method:	Venmo
Total:	\$495.00

 Oquirrh Mountain
Phlebotomy School LLC


56. The Applied Phlebotomy video series is an important component of Defendants’ phlebotomy training classes, accounting for more than 1/6 of class time.

57. The Defendants have posted on their website the comment of a student that highlights the importance of the Applied Phlebotomy video series in the Defendants’ phlebotomy training classes:

What Our Students Are Saying...



Mary Cox
★★★★★
Murray, UT Student



< The phlebotomy course was perfect! Dallas gave us the confidence we needed to actually do draws the first day. I loved the atmosphere in the class and the hands on experience. Everything was discussed in a group setting and there was never a need to feel embarrassed to ask a question. The class size was perfect and everyone was at the same level. The videos were very informative and the tests given afterwards reinforced what was taught in the video. All in all I would definately encourage anyone considering taking a phlebotomy class to go with OQUIRRH MOUNTAIN PHLEBOTOMY to get your certification. >

58. On information and belief, Defendant Rasmussen, OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR have earned millions of dollars in financial gain from their unlawful distribution and unlawful performance of unlawful copies of the Applied Phlebotomy video series.

FIRST CLAIM FOR RELIEF
(against all Defendants)
Copyright Infringement
U.S. Copyright Registration No. PA0001743622
17 U.S.C. § 106 et seq

59. The Center incorporates and realleges each and every allegation in the preceding paragraphs, as if fully set forth herein.

60. The Center’s predecessor-in-interest, an Indiana corporation with the same name, owned the copyright in the 2010 version of Video Nos. 1-3 of the Applied Phlebotomy Series as a work made for hire and, on December 27, 2010, obtained U.S. Copyright Registration No. PA0001743622 to protect that copyright (“the ’622 Copyright”).

61. The Center, a Michigan corporation, is the owner of the '622 Copyright by assignment from The Center's predecessor-in-interest, effective December 9, 2019.

62. Defendants have made unauthorized reproductions of The Center's Applied Phlebotomy video series, have distributed copies of The Center's Applied Phlebotomy video series without The Center's authorization, and have publicly performed The Center's Applied Phlebotomy video series without The Center's authorization, which video series is the subject of the '622 Copyright.

63. The Defendants' acts violate The Center's exclusive rights under the Copyright Act, 17 U.S.C. §§ 106 and 501, including its exclusive right to reproduce copies, to distribute copies, and to publicly perform.

64. On information and belief, Defendant Rasmussen induces and has induced others, including OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR to perform the Applied Phlebotomy video series in classes taught by OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR, in violation of the copyright laws of the United States, with the intent that OMPS, OMPS-Murray, OMPS-CO, and OMPS-OR perform the Applied Phlebotomy video series in their classes and with the knowledge that such performance constitutes copyright infringement.

65. On information and belief, the Defendant Rasmussen has the ability to supervise or control others associated with OMPS who have committed infringement and receives a direct financial benefit from that infringement, so that Defendant Rasmussen is vicariously liable for that infringement.

66. Defendants' infringement has been undertaken willfully and with the intent to financially gain from The Center's copyrighted work. The Defendants have willfully infringed The Center's copyrighted works, with the knowledge that their infringement was unlawful.

67. Because of Defendants' infringing and wrongful acts of copyright infringement, The Center is entitled to (a) statutory damages or (b) its actual damages and a disgorgement of the Defendants' profits that (i) are attributable to the infringement and (ii) are not taken into account in computing the actual damages, in an amount to be proved at trial, together with all other relief allowed under the Copyright Act.

68. Because of the Defendants' willful infringement, The Center is entitled to increased statutory damages pursuant to 17 U.S.C. § 504(c)(2).

69. Defendants' infringement has caused and continues to cause irreparable harm to The Center, for which it has no adequate remedy at law. On information and belief, unless this Court restrains the Defendants from their continued infringement of The Center's protected works, the harm will continue to occur in the future. Accordingly, The Center is entitled to a preliminary and/or permanent injunction.

PRAYER FOR RELIEF

Wherefore, The Center respectfully prays that the Court enter judgment in its favor and award the following relief against Defendants:

A. A judgment in favor of The Center that Defendants have infringed the registered copyright in the Applied Phlebotomy video series;

B. A judgment in favor of The Center that Defendants' infringement of the registered copyright in the Applied Phlebotomy video series has been willful;

C. A judgment in favor of The Center that The Center is entitled to (a) statutory damages or (b) its actual damages and a disgorgement of the Defendants' profits that (i) are attributable to their infringement of The Center's copyrights and (ii) are not taken into account in computing the actual damages, in an amount to be proved at trial;

D. A judgment in favor of The Center that The Center is entitled to increased statutory damages pursuant to 17 U.S.C. § 504(c)(2) due to the Defendants' willful infringement;

E. A judgment in favor of The Center that The Center is entitled to its full costs and attorneys' fees pursuant to 17 U.S.C. § 505;

F. An order and judgment preliminarily and/or permanently enjoining Defendants and their officers, directors, employees, agents, licensees, representatives, affiliates, related companies, servants, successors and assigns, and any and all persons acting in privity or in concert with any of them, from infringing The Center's registered copyrights in the Applied Phlebotomy video series; and

G. Any other relief the Court deems just and proper under all the circumstances.

Demand for Trial by Jury

Plaintiff demands a jury trial on all matters triable to a jury.

DATED this 22nd day of January 2025.

Respectfully submitted,

WORKMAN NYDEGGER

By: /s/ Brian N. Platt
Brian N. Platt

Counsel for Center for Phlebotomy Education Inc.